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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,802	03/26/2004	Chia-Lung Lin	12591-US-PA	2801

31561 7590 08/07/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER	
STOYNOV, STEFAN	

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,802	LIN, CHIA-LUNG	
	Examiner	Art Unit	
	Stefan Stoynov	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-6* is/are allowed.

6)☒ Claim(s) *7-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

Claims 7 and 10 are objected to because of the following informalities:

In claim 7, line 10, the comma before the semi column must be removed. Similarly, for claim 10, line 9 – removing the comma prior of the period is suggested.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, U.S. Patent Appl. Pub. No. 2004/0210779 in view of Kao, U.S. Patent No. 6,622,254. Wang and Kao show all claim limitations in Figures 1-3 and 1-2, accordingly.

Regarding claim 7, Wang discloses a tuning method for operating a system in a sub-stable state with high performance, comprising:

setting up a time out for determining that the system is unable to stay in a sub-stable state (paragraphs 0023 and 0024, lines 1-12);

restarting the system with a setting value of the sub-stable state to transfer the system from an initial stable state to the sub-stable state (paragraphs 0020 and 0021); and

restarting the system with a setting value of the initial stable state when the time out is due and the system still cannot stay in the sub-stable state (paragraph 0024, lines 12-20).

Wang fails to disclose restarting the system with the setting value of the sub-stable state when the system is unable to stay in the sub-stable state.

Kao teaches a method for overclocking CPUs similar to the current application (column 2, lines 19-22). Kao further teaches repeatedly rebooting the computer system while maintaining the previously loaded overclocking frequency settings (i.e. setting value of the sub-stable state) in order to achieve proper system operation after boot (column 2, line 64 – column 3, line 53, FIG. 1). In Kao, the overclocking frequency monitoring and adjustment is done automatically, without manual intervention (column 2, lines 28-29). Thus, the desired overclocking of the CPU is achieved in shortened period.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the above-described method, as suggested by Kao with the method disclosed by Wang in order to implement restarting the system

with the setting value of the sub-stable state when the system is unable to stay in the sub-stable state. One of ordinary skill in the art would be motivated to do so in order to shorten the period of achieving the desired CPU overclocking.

Regarding claim 8, Wang further discloses the method, wherein the step of restarting the system to transfer the system from an initial stable state to the sub-stable state, further comprising changing an operating voltage of the system, such that the operating voltage of the system is higher than a voltage of the initial stable state (paragraph 0007, paragraph 0020, lines 1-2).

Regarding claim 9, Wang further discloses the method wherein the step of restarting the system to transfer the system from an initial stable state to the sub-stable state, further comprising changing an operating frequency of the system, such that the operating frequency of the system is higher than a frequency of the initial stable state (paragraph 0005, lines 1-3, paragraph 0020, lines 6-8). In addition, Kao discloses the same limitations (column 1, lines 17-27).

Regarding claim 10, Wang discloses a method for tuning over clock for operating a system in an over clock state, comprising:

restarting the system with a setting value of the over clock within a predetermined period of time until the system can operate in the over clock state; and

restarting the system with a setting value of an initial state of the system when the predetermined period of time is due (paragraphs 0020 – 0024).

Wang fails to disclose repeatedly restarting the system (restarting the system with a setting value of the over clock within a predetermined period of time until the system can operate in the over clock state was addressed above).

Kao teaches a method for overclocking CPUs similar to the current application (column 2, lines 19-22). Kao further teaches repeatedly rebooting the computer system while maintaining the previously loaded overclocking frequency settings in order to achieve proper system operation after boot (column 2, line 64 – column 3, line 53, FIG. 1). In Kao, the overclocking frequency monitoring and adjustment is done automatically, without manual intervention (column 2, lines 28-29). Thus, the desired overclocking of the CPU is achieved in shortened period.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the above-described method, as suggested by Kao with the method disclosed by Wang in order to implement repeatedly restarting the system. One of ordinary skill in the art would be motivated to do so in order to shorten the period of achieving the desired CPU overclocking.

Allowable Subject Matter

Claims 1-6 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art of record fails to discloses or suggest the subject matter of claim 1 including "resetting the system and retaining a setting value of the system at the over clock state when the system is unable to stay in

the over clock state within the second time out" and "restarting the system with a setting value of the initial stable state when the system is unable to stay in the over clock state within the first time out".

Regarding claim 4, the prior art of record fails to discloses or suggest the subject matter of claim 4 including "wherein when the system is unable to stay in the over clock state within the first time out, the setting value of the over clock state is reset to the initial setting value, so as to restart the system; a second timer, for calculating a second time out adapted for determining that the system is unable to stay in the over clock state, and the second time out is smaller than the first time out, wherein when the system is unable to stay in the over clock state within the second time out, a reset signal is generated and the setting value of the system at the over clock state is retained".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Stoynov whose telephone number is (571) 272-4236. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS

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